

October 26, 2020

Supreme Court of Nevada
Office of the Clerk
201 S. Carson St, Suite 201
Carson City, NV 89701

FILED

NOV 03 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

Re: Centofanti v. Nevada
NO. 70193

Dear Clerk:

Enclosed please find a Renewed Motion for an Order for Access to the HOSP Law Library and other relief.

Please file the Renewal motion and serve electronically on counsel for respondents as done and ordered previously with prior motions.

Can I please be provided a file stamped copy?

Thank you.

AM

Alfred Centofanti # 65237

RECEIVED
HOSP P.O. Box 650

INDV 8 28 2020, NV 01070

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

20-40104

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI, III,

No. 78193

Appellant,

vs

THE STATE OF NEVADA,

Respondent

Renewed Motion for an Order for
Access to the HDSP law library and
Other Relief

COMES NOW, Appellant, Alfred P. Centofanti, III ("Centofanti"), in
proper and hereby files his renewed Motion for an Order for Access
to the HDSP law library and other Relief.

This Motion is made and based upon all motions, pleadings, and
documents on file, the attached Memorandum of Points and Authorities,
the inherent powers of the Court, as well as any additional pleadings,
or materials requested by this Court to reach a decision.

Dated this 26th day of October, 2020

APC

Alfred Centofanti # 85237

Appellant in Pro Per

Memorandum of Points and Authorities

On October 26, 2020, HDSP delivered to Centofanti the October
14, 2020 Order of this Court (post marked October 15, 2020) which
gave Centofanti "14 days from the date of the Order to file an amended
Petition for Review."

Two days or until October 29, 2020 is not a sufficient enough time
to respond, and, Centofanti will need an Order from this Court
to access the materials needed to comply with the Order (Amend the

Petition for Review).

On information and belief, Centofanti has been informed that access to the HDSP has been allowed at the discretion of prison officials and/or with Orders from the Court.

Centofanti is not seeking "to alter the lockdown restrictions at the prison" (Oct 14th Order p. 1) Centofanti is a general population, level 1 (least restrictive) inmate housed in a unit that is not a lockdown unit. Other level 1 inmates assigned to work at the HDSP law library (as well as Protective Segregation Units workers) and others are allowed to attend. So, as of the date of this motion, neither the prison, the law library, Centofanti, or his unit are on lockdown status.

Furthermore, the prison and the law library are not following or complying with the applicable Administrative Regulations as to the operation of the law library, legal mail (failure to date stamp, expedite processing and delivery) and response to requests for appointments, materials, and grievances (Centofanti's grievance about law library access filed in July remains unresponded to - due since August).

Centofanti is in the untenable position of trying to draft a motion of why this Court should grant his request to access to the law library, without which, access, he will be without the materials needed to draft the MOTION.

Centofanti has tried to informally resolve the access issue with prison officials since June. This Court has been patient with Centofanti and extended deadlines but continually denied the request for access relief. Without access relief preparing and filing an Amended Petition for Rehearing is impossible. Centofanti raised five (5) separate areas for Rehearing which Centofanti assumes this Court has reviewed, primarily, and forms the basis for granting the

1 requests to file a supplement (researched and shepardized) or Amended Points and
2 Authorities. Clearly the Court understands the need of access to rules, statutes,
3 and case law to support arguments and to have issues decided on the merits.
4 The Court can take judicial notice that the NDOC does not employ at it's
5 law libraries, and at the HOSP law library, persons trained in the law, other
6 it's two ~~free~~ staff law librarians (administrative assistants) supervised by
7 Inmate Bonding Services) or inmate clerks, as codified in the NES (unauthorized
8 practice of law prohibitions) and AR's.

9 Centofanti, however, is trained in the law (JD 1993 California Western School
10 of Law, Nevada license in 1997, California in 1993) and worked at the law library
11 at ESP (4 years) and HOSP (4 years). My ability to adequately represent
12 myself has been absolutely thwarted since June and neither the appellate
13 court or this Court is willing to either require the NDOC / HOSP to answer,
14 appear or otherwise respond, yet alone be accountable, thus here we are
15 four months later with an issue that continues to occur yet under review.

16 The NDOC (tax payers) spend thousands of dollars for the computers
17 in the HOSP law library as portals of access to lexis nexis
18 that go unused or are staffed by those either not adequately
19 trained or trained at all to use let alone assist inmates such
20 as Centofanti do research under court imposed time restraints.

21 Centofanti can't even obtain a copy of NRAP 30(c) or the
22 McConnell decision cited in the Oct 14th Order - NO request forms
23 available for materials, GP workers not called to work today.

24 Centofanti's appeal concerns his criminal case in which he is
25 serving two consecutive sentences of LWOP. Any hindrance on his
26 ability to represent himself therefore has severe consequences and
27 the prejudice here obvious, the inability to meet deadlines and to
28 have issues decided on the merits, fully briefed.

With all due respect, by not even hearing, let alone deciding the issue of access, this Court would be condoning NOX / HOSP policies that are not rationally related to the safety and security of the institution, that have the chilling effect of denying inmates with a demonstrated need for access to the courts (law library), as well as violations of Centofanti's rights to Due Process and Equal Protection (5th, 6th and 14th Amendments).

Is the paging system inadequate? Is denial of access to the lexus NOX system the least restrictive alternative?

Centofanti filed a grievance as to the delay in mail (45 day response time) cannot grieve the continued denial of access due to the outstanding July grievance. Cannot attach copies of the envelope + delivery slip (for the Oct 14th order showing October 26th delivery) no access. Same for copies of the October 26 grievance.

Therefore, and based on the foregoing, Centofanti requests this Court order:

(1) Centofanti be allowed access to the HOSP law library for four sessions over two weeks (two sessions per week as was in place for GP inmates under the prior approved schedule) to conduct research, draft, copy and prepare for filing an Amended Petition for Release;

(2) A deadline of at least 30 days be set from the date of the last appointment to file an Amended Petition for Release.

Dated this 26th day of October, 2020

AM

Alfred Centofanti # 85237

Appellant in Pro Per HOSP / P.O. Box 650, Indian Springs, W 89070

Certificate of Service

The clerk is requested to serve the Respondent's counsel electronically as previously approved and allowed by the Court.